

JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Lario Javier Avila,	)	Case No. <b>CV 09-7440-JFW</b>
	)	(CR 04-1667-JFW)
Petitioner,	)	
	)	<b>JUDGMENT</b>
v.	)	
	)	
United States of America,	)	
	)	
Respondent.	)	

---

Pursuant to this Court's August 26, 2011 Order denying Petitioner Lario Javier Avila's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence By a Person in Federal Custody,

IT IS NOW, THEREFORE, HEREBY ORDERED, ADJUDGED AND DECREED, that the above-captioned action is dismissed with prejudice.

If Petitioner gives timely notice of an appeal from this Order, such notice shall be treated as an application for a certificate of appealability, 28 U.S.C. § 2253(c), which will not issue because Petitioner has failed to make a substantial showing of the denial of a constitutional right. *Miller-El v.*

1 *Cockrell*, 537 F.3d 322 (9th Cir. 2003); *Williams v. Woodford*,  
2 384 F.3d 567 (9th Cir. 2004).

3

4

5 Dated: August 26, 2011

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23


24

25

26

27

28

  
\_\_\_\_\_  
JOHN F. WALTER  
UNITED STATES DISTRICT JUDGE